

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KYLE LEE PAYMENT,

Plaintiff,

v.

RON FRAKER, DARREN HEAWARD,
BRIAN PEDERSON, and ROY CORTEZ,

Defendants.

CASE NO. C13-5547BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable Karen L. Strombom, United States Magistrate Judge. Dkt. 24. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**; and
- (2) Defendants' Motion to Dismiss (Dkt. 17) is **GRANTED in part** and **DENIED in part** consistent with the Report and Recommendation.

Dated this 29th day of April, 2014.



BENJAMIN H. SETTLE
United States District Judge